

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DAVID L. COOLEY, JR.

PLAINTIFF

v.

CIVIL ACTION NO. 1:21-cv-078-TBM-RPM

**ANDREW SAUL,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on submission of the Report and Recommendation [15] entered by United States Magistrate Judge Robert P. Myers on July 12, 2022. The Plaintiff, David L. Cooley, Jr., appeals the final Social Security Administration decision of the Administrative Law Judge denying his claim for disability insurance benefits. In light of the new evidence Cooley provided, Judge Myers recommends that the Court adopt the Report and Recommendation [15] and remand the action for further proceedings.

Neither the Commissioner of Social Security nor the Plaintiff have filed an objection to the Report and Recommendation, and the time for filing an objection has expired. “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b) advisory committee’s note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App’x 879, 881 (5th Cir. 2010) (affirming district court’s dismissal of Section 1983 claims and stating that “[w]hen a party fails timely to file written objections to the magistrate judge’s proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error”) (citing *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on*


other grounds, 28 U.S.C. § 636(b)(1)); *Douglass*, 79 F.3d at 1430 (affirming district court's grant of summary judgment).

The Court finds that the Magistrate Judge's Report and Recommendation is neither clearly erroneous nor contrary to law. The Report and Recommendation will be adopted as the opinion of the Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [15] entered by United States Magistrate Robert P. Myers on July 12, 2022, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that this case is REMANDED to the Commissioner of Social Security for further proceedings consistent with the Report and Recommendation [15].

This, the 29th day of July, 2022.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE